PETITION BY Sri K. S. DESHPANDE IN RESPECT OF A NOTIFICATION UNDER THE MYSORE LAND REFORMS ACT, 1961

Presentation

Sri S. S. SHETTAR.—I beg to present a petition submitted by Sri K. S. Deshpande, Advocate, Dharwar, in respect of issue of a notification under Section 107 of the Mysore Land Reforms Act, 1961, to exempt the local area included in the Hubli-Dharwar Municipal Corporation.

REVISION OF THE TWELFTH REPORT OF THE BUSINESS ADVISORY COMMITTEE

Announcement

Mr. SPEAKER.—Since the Report is under revision, I am not presenting the Report of the Business Advisory Committee.

SPEAKER'S RULING *re*: A QUESTION OF PRIVILEGE BY Sri D. B. KALMANKAR

Mr. SPEAKER.—The hon'ble Member Sri D. B. Kalmankar wants me to give a ruling about the Motion, of which he has given notice under Rule 147. Rule 147 is governed by the provisions of Rule 148. Sub-rule (v) of Rule 148 clearly states that such notice shall not raise a question of privilege. Here the hon'ble Member is not raising a question of privilege, but he is raising it through a motion. He contends that breach of convention is akin to breach of privilege, though it does not amount to breach of privilege. But, any matter of this nature cannot be brought under Rules 146, 147 and 148. Besides, it may be seen that question of privilege raised by the hon'ble Member Sri S. S. Shettar yesterday involved similar questions. He had also asked whether the hon'ble Minister for Parliamentary Affairs was right in making a statement about the conversion of the Municipal Council of Mysore into a Corporation at a place outside the House when the House is sitting. That question has been dealt with yesterday and in substance the same question is involved in the present motion. Under Rule 148 (vi) a motion shall not revive discussion of a matter which has been discussed in the same session. So, the repetition of the same question is not justified.

I draw the attention of the hon'ble Member to the provisions of Rule 149 which reads :

> "The Speaker shall decide whether a motion or a part thereof is or is not admissible under these rules and may disallow any

(MR. SPEAKER)

motion or a part thereof when in his opinion it is an abuse of the right of moving a motion....."

I do not attribute motive to the hon'ble Member who, probably in order to find a way out to bring the same matter in some other form, has resorted to Rule 146. But that is not permitted under Rule 149.

Moreover, the hon'ble Member has not given a copy of the paper in which the statement of the hon'ble Minister is published. I do not know what exactly is the statement made and whether he has made any momentous decision known to the public there or whether any policy statement is made. In this connection, I wish to make a request to the hon'ble Members that whenever they want to bring a matter of this nature, before the House they should produce documentary evidence available so that it may be possible for the Chair to take into account the contents of the document and give a ruling.

Therefore, as I said, for the reasons now referred to, the Chair is sorry that it cannot give consent to the Motion proposed by the hon'ble member Sri D. B. Kalmankar.

Sri M. NAGAPPA.—Sir, shall we take it that the Ruling is a substitute to Rules 146, 147, 148 that every Motion should be accompanied by a document? There is no such provision. If this ruling is on the proceedings, definitely every member is obliged to supply the particular document on which he is going to rely. I therefore request the Hon'ble Chair may reconsider the ruling.

Mr. SPEAKER.—Sri Nagappa says, there is no provision under 146, 147 and 148 requiring the production of a document to which reference is made in the notice. It is true there is no specific provision. It is not my intention to add to that rule one way or the other. I pointed out that whenever reference to the contents of the documents is made in the Notice, it is always advisable and highly necessary that the document should be enclosed so that the Chair may apply its mind cerefully and see where the matter exactly stands. So, it connot be taken as an addition to the rule. But the Chair should have sufficient material for coming to a definite decision. Sri Nagappa may take note of it.

As regards the Motion of Sri Chandrakanth, he has raised substantially the same question and he has referred to the alleged statment of the Hon'ble Minister for Law and Municipal Affairs made outside this House. With respect to this also I do not have a copy of the statment alleged to have been made.

Sri S. S. SHETTAR.—Sir, yesterday, you said that it is not a breach of privilege but a breach of courtesy. So, Sri Chandrakanth is quite correct in bringing this before the House.

(Sri G. Chandrakanth stood up and began to speak)

Mr. SPEAKER.—When the Chair is giving a ruling, no hon'ble member should stand up and speak. In view of the ruling on the Motion of Sri Shettar, and since no new point has been made out here, the Chair rules that it is not necessary to permit any Motion.

Sri G. CHANDRAKANTH.—Whenever a member gives, notice under rule 312...

Mr. SPEAKER.—After the Ruling is over, it will be a discourtesy to the Chair to Comment on it.

Now we proceed to Bills.

MYSORE IRRIGATION (AMENDMENT) BILL 1968

Motion to Consider

Sri D. PARAMESWARAPPA (Deputy Minister for Major Irrigation and Electricity).—

Sir, and beg to move.

"That the Mysore Irrigation (Amendment) Bill, 1968 be taken into consideration."

Mr. SPEAKER.—Motion moved:

"That the Mysore Irrigation (Amendment) Bill, 1968 be taken into consideration."

Sri M. NAGAPPA.—Sir, I have a Point of Order. Section 32 under Clause 11 is being amended as follows :—

"In section 32 of the principal Act, for sub-section (4), the following sub-section shall be substituted, namely :—

"(4) In all cases in which the person who has sown or grown any unauthorised crop or allowed any land to be grown or sown with such unauthorised crop cannot be found, the holder of the land, in addition to such other person concerned, shall—

(*a*) be liable for contravening the provisions of this section ; and

(*b*) also be liable to pay such water rate, as may be determined by the Irrigation Officer, not being less than five times and not exceeding ten times the water rate which he would otherwise have been required to pay : "

According to this clause, a person is going to be punished twice for one offence.

Mr. SPEAKER.—The Hon'ble Member can participate in the Debate and point it out then. Where is the difficulty ?